

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

In Re:	:	Bankruptcy No. 19-20417-CMB
Joseph P. Pelesky, Sr. and Carolynn Pelesky	:	Chapter 13
Debtors	:	
U.S. Bank National Association, as indenture	:	Doc #
trustee, for the holders of the CIM Trust 2017-	:	
1, Mortgage-Backed Notes, Series 2017-1 c/o	:	Related to Doc #47
Select Portfolio Servicing, Inc.	:	
Movant	:	
vs.	:	
Joseph P. Pelesky, Sr. and Carolynn Pelesky	:	Hearing date/time: 12/19/2019 @ 3:30 pm
Debtors/Respondents	:	
and	:	
Ronda J. Winnenour, Esquire	:	
Trustee/Respondent	:	

OBJECTION TO CONFIRMATION OF THE AMENDED PLAN
DATED 10/28/2019

U.S. Bank National Association, as indenture trustee, for the holders of the CIM Trust 2017-1, Mortgage-Backed Notes, Series 2017-1 c/o Select Portfolio Servicing, Inc. (“Movant”), by its attorneys, Hladik, Onorato & Federman, LLP, objects to confirmation of the Amended Chapter 13 Plan of Debtors, Joseph P. Pelesky, Sr. and Carolynn Pelesky (“Debtors”), as follows:

1. As of the bankruptcy filing date of January 31, 2019, Movant holds a secured Claim against the Debtors’ property located at 2941 Glenmore Avenue, Pittsburgh, PA 15216 (the “Property”).

2. On April 11, 2019 Movant filed a Proof of Claim citing a secured total debt claim in the amount of \$48,285.59.

3. The Amended Plan currently proposes payment to Movant in the amount of \$48,285.89 for the total secured claim, but does not include interest on the declining balance.

4. Movant is entitled to receive the total secured claim amount along with interest on the declining balance at 7.25% *per annum*, which would result in a total amount paid to Movant of approximately \$57,709.09 over the life of the Plan.

5. The proposed Amended Plan also fails to provide for Debtor to pay all taxes and maintain insurance on the Property. Movant has already had to disburse \$1,172.52 in post-petition taxes, as evidenced by the Notice of Postpetition Mortgage Fees, Expenses, and Charges filed by Movant on 7/25/2019 (same is listed in the Debtor's Amended Plan).

6. The Amended Plan fails to cure the delinquency pursuant to 11 U.S.C. § 1322(b)(5).

7. The Amended Plan violates of 11 USC § 1325(a)(5)(B)(ii) by not providing for Movant to receive the full value of its claim.

8. Movant objects to the feasibility of the Amended Plan under 11 U.S.C. § 1325(a)(6). The Amended Plan proposed by Debtors is not feasible. Movant requests that the bankruptcy case either be converted to a Chapter 7 or be dismissed pursuant to 11 U.S.C. § 1307.

WHEREFORE, Movant respectfully requests that this Honorable Court deny confirmation of the Debtors' Amended Chapter 13 Plan.

Respectfully submitted,

Dated: 12/4/2019

/s/Danielle Boyle-Ebersole, Esquire
Danielle Boyle-Ebersole, Esquire
Attorney I.D. # 81747
Hladik, Onorato & Federman, LLP
298 Wissahickon Avenue
North Wales, PA 19454
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debersole@hoflawgroup.com

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Debtors/Respondents	:	
and	:	
Ronda J. Winneccour, Esquire	:	
Trustee/Respondent	:	

**CERTIFICATE OF MAILING OF OBJECTION TO THE PROPOSED
AMENDED PLAN TO PARTIES IN INTEREST**

I, Danielle Boyle-Ebersole, Esquire, attorney for U.S. Bank National Association, as indenture trustee, for the holders of the CIM Trust 2017-1, Mortgage-Backed Notes, Series 2017-1 c/o Select Portfolio Servicing, Inc. (“Movant”), certify that I served a copy of the attached Objection to the Amended Plan to the parties below on 12/4/2019:

Shawn N. Wright, Esquire	Joseph P. Pelesky, Sr.
Via ECF:	Carolynn Pelesky
shawn@shawnwrightlaw.com	2941 Glenmore Avenue
<i>Attorney for Debtors</i>	Pittsburgh, PA 15216
	Via First Class Mail
Ronda J. Winneccour, Esquire	<i>Debtors</i>
Via ECF:	
cmeclf@chapter13trusteewdpa.com	
<i>Trustee</i>	

Respectfully Submitted,

Date: 12/4/2019

/s/Danielle Boyle-Ebersole, Esquire
Danielle Boyle-Ebersole, Esquire
Attorney I.D. # 81747
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ORDER

Upon consideration of U.S. Bank National Association, as indenture trustee, for the holders of the CIM Trust 2017-1, Mortgage-Backed Notes, Series 2017-1 c/o Select Portfolio Servicing, Inc.'s Objection to Confirmation of the proposed Amended Plan, and having heard the argument of counsel and for good cause having been shown;

It is on this _____ day of _____, 2019 ORDERED that the Confirmation is DENIED.

BY THE COURT:

Honorable Carlota M. Bohm
Chief U.S. Bankruptcy Judge